

Livingstone discovered that Mr. Marceca had copied reports and highlighted portions of original reports, Mr. Livingstone told Mr. Marceca to cease making any marks on the reports and not to copy them.¹¹²

B. After the Discovery of the Request for Billy Dale's Background Report, Mr. Marceca Gave Sworn Testimony in a Declaration, Before a Grand Jury, in a Congressional Deposition, And in a Public Congressional Hearing.

After Chairman Clinger announced the discovery of the request for Billy Ray Dale's confidential FBI background report, Mr. Marceca provided a sworn declaration to Mr. Livingstone's attorney and provided testimony before a federal grand jury, in a Congressional deposition, and in a public hearing before the House Committee on Government Reform and Oversight.¹¹³ Although he gave testimony regarding some of the details of his conduct that was both internally inconsistent and inconsistent with other evidence from the investigation, there was never any substantial evidence that contradicted his testimony about the central issue in this investigation: No senior White House official or Mrs. Clinton ever asked him to obtain confidential FBI background reports of former White House staff.¹¹⁴

¹¹² Id. at 27.

¹¹³ After the House Committee hearing, the Senate Judiciary Committee held a hearing in which Mr. Marceca invoked his privilege against self-incrimination under the Fifth Amendment of the U.S. Constitution. SJC 7/18/96 Hearing at 26 (Marceca).

¹¹⁴ See HCGRO Hearing 6/26/96 at 88-9 (Marceca) (responding to questioning by Representative Tom Lantos regarding involvement